

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

JAIME LUEVANO,

Plaintiff,

vs.

EL PASO TEXAS CORRUPTIONS, *et al.*,

Defendants.

Case No. 2:10-cv-00784-GMN-LRL

ORDER

Plaintiff is a state prisoner apparently incarcerated in El Paso, Texas and proceeding *pro se*. Plaintiff seeks relief pursuant to 42 U.S.C. § 1983 and has requested leave to proceed *in forma pauperis* pursuant to 28 U.S.C. § 1915.

The Prison Litigation Reform Act provides that “[i]n no event shall a prisoner bring a civil action . . . under this section if the prisoner has, on 3 or more occasions, while incarcerated or detained in any facility, brought an action or appeal in a court of the United States that was dismissed on the grounds that it is frivolous, malicious, or fails to state a claim upon which relief may be granted, unless the prisoner is under imminent danger of serious injury.” 28 U.S.C. § 1915(g). Review of court records reveals that, on at least three prior occasions, lawsuits filed by plaintiff have been dismissed on the grounds that they were frivolous, malicious, or failed to state a claim upon which relief could be granted. *See, e.g., Luevano v. United States President of America*, No. 08-CV-0053 (D.D.C. Jan. 2, 2008) (dismissed for failure to state a claim); *Luevano v. Bd. of Disc. App.*, No. 5:08-CV-107 (W.D. Tex. Mar. 20, 2008) (dismissed as frivolous); *Luevano v. Clinton*, No. 2:08-CV-1360 (E.D. N.Y. Apr. 4, 2008) (dismissed as frivolous).

Pursuant to 28 U.S.C. § 1915(g), plaintiff is precluded from proceeding *in forma pauperis* in this action unless plaintiff is in imminent danger of serious physical injury. 28 U.S.C. § 1915(g). While plaintiff’s complaint is difficult to decipher, he has not alleged any facts to suggest that he is in

1 imminent danger of serious physical injury. Therefore, plaintiff may not proceed *in forma pauperis* for
2 any purposes and must submit the appropriate filing fee in order to proceed with this action.
3 Accordingly, within thirty days of the date of service of this order, plaintiff shall pay the \$350.00 filing
4 fee. Failure to pay the required filing fee will result in the immediate dismissal of this entire action.


5 **IT IS THEREFORE ORDERED** that the Application to Proceed *In Forma Pauperis*
6 (docket #1) is **DENIED**.

7 **IT IS FURTHER ORDERED** that this action will be dismissed without prejudice unless
8 plaintiff pays the \$350.00 filing fee in full within thirty (30) days of entry of this order.

9 **IT FURTHER IS ORDERED** that the Clerk of Court shall send plaintiff two copies of
10 this order. Plaintiff shall make the necessary arrangements to have one copy of this order attached to
11 the check paying the filing fee.

12 **IT IS FURTHER ORDERED** that the Clerk of the Court shall retain the complaint.

13 DATED this 17th day of August, 2010.

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Gloria M. Navarro
United States District Judge